

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

CASE NO. 05-10019-RGS

DANIEL W. McELROY and)
AIMEE J. KING McELROY)

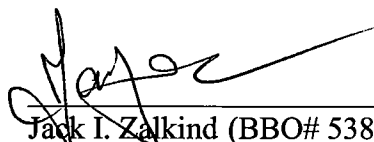
MOTION OF THE DEFENDANTS, DANIEL W. MCELROY AND
AIMEE J. MCELROY, IN LIMINE REGARDING THE
GOVERNMENT'S OPENING STATEMENT

The Defendants, Daniel W. McElroy and Aimee J. McElroy, move that the Court instruct the government not to mention in its opening statement anything about the amount of the alleged tax and insurance losses. As the defense has previously argued this testimony should not be admissible because it is not an element of the crimes charged and has not been alleged in the indictments. This testimony is being sought solely to inflame the jury and until the court rules on the admissibility of the so-called government's experts testimony the government should be precluded from mentioning this proposed testimony in its opening statement.

Respectfully submitted:

AIMEE J. McELROY

By her attorney,



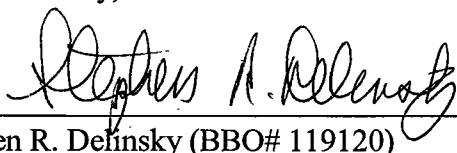
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DATED: January 25, 2008

Respectfully submitted

DANIEL McELROY,

By his attorney,



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